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Recommendations of the biannual review of the implementation of the Strategic Framework for Peacebuilding in Burundi

A. Introduction

1. The Peacebuilding Commission reviewed the first biannual report of the Strategic Framework for Peacebuilding in Burundi, which, together with its accompanying Monitoring and Tracking Mechanism, is the primary instrument for engagement and partnership among the Government of Burundi, the Peacebuilding Commission and other relevant stakeholders. The Framework has enabled all partners to take stock of progress achieved during the reporting period and identify areas requiring additional efforts.

2. The Peacebuilding Commission welcomed the self-assessment carried out by the Government of Burundi and stakeholders and the progress made against the commitments in the eight priority areas set out in the Strategic Framework and the matrix of the Monitoring and Tracking Mechanism. In particular, it noted the steps taken to reinforce governance, including through the establishment of the framework for dialogue and the operationalization of the Anti-Corruption Brigade and Court. The Commission noted the Government's commitment to professionalize the national defence and security forces, reform the justice sector and address social and economic challenges, notably with regard to land tenure and the return of refugees. The Commission also welcomed the progress made by the Government and Palipehutu-Forces nationales de libération (FNL) in advancing the peace process. The Commission expressed sincere gratitude for the ongoing efforts of the Regional Peace Initiative for Burundi, the South African Facilitation, the Political Directorate and the Group of Special Envoys for Burundi.

3. The Peacebuilding Commission also reviewed the trends in each of the priority areas and the risks to the consolidation of peace in Burundi. The Commission recognized the critical role of the National Assembly in making progress on peacebuilding issues. The Commission has been concerned with previous blockages of the National Assembly and took note of the recent resumption of its work. The

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Commission also noted the continued perpetration of human rights violations, including by elements from the security forces, and the high levels of unemployment and poverty, which are exacerbated by rising food and fuel prices.

4. The first biannual review of the Strategic Framework highlighted the recommendations set out below.

B. Recommendations

1. Promotion of good governance

5. *Work of the National Assembly.* The Peacebuilding Commission calls on all parties in the National Assembly to resolve their inter-party and internal differences through political dialogue and re-establish the spirit of cooperation envisaged in the Constitution to consolidate democracy and the democratic institutions. The Commission similarly expects the international community to continue to offer advice and assistance as needed.

6. *Political dialogue.* The Peacebuilding Commission will continue to encourage all parties to adhere to the Constitution, promote constructive dialogue and agreement among different parties and work together for the best interests of the people of Burundi.

7. *Legal framework for succession.* The Government should submit, as soon as possible, a draft law on succession to the National Assembly for adoption.

8. *Fight against corruption.* The Attorney-General's Office and the Judiciary should continue to pursue all corruption cases and those involving the embezzlement of public funds and proceed with court hearings. Significant progress is expected to be made on the corruption cases currently under investigation. Civil society organizations and other stakeholders should continue to bring instances of corruption to the attention of the Government and the population. The Government should also continue to work with partners to put in place strong mechanisms of public financial management in order to ensure accountability and transparency. In this regard, the international community should provide appropriate financial and technical assistance.

9. *Legal framework for elections.* The Government should actively seek assistance to address the deficiencies with the current electoral legal framework observed during the 2005 polling. A revised draft legal framework, reflecting Burundi's political reality and political consensus and support, should be presented to the National Assembly by December 2008.

10. *Independent electoral commission.* The establishment of a national independent electoral commission is essential for the preparation of elections in 2010. The electoral commission should be operational by the first half of 2009 to manage the 2010 and subsequent elections. At the request of the Government of Burundi, the international community, with the support of the United Nations Integrated Office in Burundi (BINUB) and the Peacebuilding Commission, should assist the Government in identifying the necessary resources as well as provide financial and technical support. The Peacebuilding Commission calls on all political parties to adhere to the electoral code of conduct and to respect the democratic principles enshrined in the Constitution.

11. *Neutrality of the public service.* The Government should respect the political neutrality of the public administration and ensure the stability of technical management in the public service.

2. Comprehensive Ceasefire Agreement between the Government of Burundi and Palipehutu-Forces nationales de libération

12. *Implementation of the Comprehensive Ceasefire Agreement.* The international community should continue to support the Regional Peace Initiative, the South African Facilitation, the Political Directorate and the Group of Special Envoys for Burundi in their efforts to assist the Government and Palipehutu-FNL in implementing the 2006 Agreement of Principles and 2006 Comprehensive Ceasefire Agreement in accordance with the time frames outlined in the revised Programme of Action to Take Further the Peace Process in Burundi. Similarly, the international community should continue to provide financial support to the peace process as needed and, as a matter of priority, pay particular attention to the reintegration aspect of the disarmament, demobilization and reintegration process, the release of children associated with armed groups in accordance with international norms, security sector reform, including efforts to integrate Palipehutu-FNL into the national defence and security forces, and training for Palipehutu-FNL cadres.

3. Security sector

13. *Security sector reform plan.* The Government of Burundi is encouraged to develop a comprehensive security sector reform plan with the support of the international community. The plan should include independent parliamentary oversight of the National Defence Force, the National Police Force and the national intelligence service, with a particular focus on their professionalism and political neutrality.

14. *National Defence Force.* The Government should continue its efforts to professionalize the National Defence Force and, with the assistance of partners, ensure that it is appropriately trained, equipped and observant of military ethics and values. Efforts should also be made to ensure that the National Defence Force is appropriately provided for, including through the provision of lodging in military barracks. This, in turn, will require the relocation and support of displaced families living in military barracks. The Government should also review personnel needs commensurate with the country's defence needs.

15. *Burundi National Police.* The Burundi National Police should, with support from bilateral and multilateral donors, continue to advance its 10-year strategic plan to ensure that by mid-2009 significant progress has been made in establishing a properly trained, disciplined and equipped police force commensurate with the country's needs. Particular attention must be given to building the capacity of the police to deal with issues concerning internal misconduct, gender, gender-based violence and juvenile justice.

16. *National intelligence service.* The Government should continue efforts to establish a professional intelligence service in accordance with democratic principles, and partners should provide assistance with training on human rights, legal issues, management and communications.

17. *Small arms control and civilian disarmament.* In tandem with measures for improving public safety and security, the Government, with the engagement of international partners and non-governmental organizations, should implement disarmament programmes to encourage the voluntary surrender of weapons by the civilian population and the establishment of a national arms registry. The implementation of a system of armouries for arms storage for national defence and security forces also remains a key goal.

18. *Disarmament, demobilization and reintegration.* Taking into consideration arrangements regarding the integration of Palipehutu-FNL combatants into the national defence and security forces within the framework of the peace process, the Government should, with support from the World Bank and other partners, continue the demobilization of National Defence Force and National Police personnel to reach the agreed figures of 25,000 for the former and 15,000 for the latter by December 2008. It should also ensure that appropriate economic and social opportunities, including community-based programmes, are available to former combatants, including the disabled, women and children, to enable them to reintegrate into their communities. Burundian combatants on foreign soil must also be taken into account in broad-based reintegration programmes. Particular attention should be paid to children associated with armed forces or armed groups and women, with the support of the United Nations Children's Fund and the United Nations Development Fund for Women.

4. Justice, promotion of human rights and action to combat impunity

19. *Transitional justice.* The Government should work with BINUB, civil society partners and other stakeholders to advance the work of the Tripartite Steering Committee to launch national consultations for the establishment of transitional justice mechanisms. Once these preparatory steps have been taken and a framework agreement has been reached between the Government and the United Nations, the Peacebuilding Commission should mobilize international assistance for the effective establishment and functioning of the mechanisms. The Commission will share with the Government lessons learned in the area of transitional justice and how it relates to other priority areas of peacebuilding.

20. *Justice sector reform.* The Government should take forward its reform plans aimed at ensuring equitable access to impartial justice and an independent judiciary. The international community should continue to provide financial and technical support.

21. *Fight against impunity.* The Government should continue to keep the protection and promotion of human rights high on its agenda and investigate human rights violations and bring perpetrators to justice. The protection of victims and witnesses against retaliation should also be a priority.

22. *Violence against women and children.* The Government should take steps to pursue all perpetrators of violence against women and children and submit to the National Assembly a comprehensive law and accompanying action plan to eradicate all forms of gender-related violence.

23. *Independent national human rights commission.* The Government should discuss as a priority, and submit to the National Assembly, the draft law establishing a national human rights commission.

24. *Penal code and criminal procedure code.* The National Assembly should adopt, as a priority, the revised draft criminal code. Moreover, the Government should discuss and submit to the National Assembly the draft revised criminal procedure code.

5. The land issue and socio-economic recovery

25. *Land tenure.* The Government of Burundi should establish a framework for dialogue at the national and local levels to facilitate dialogue and consultation on land reform, the mechanisms for resolving land disputes and the harmonization of approaches. The Peacebuilding Commission will continue to encourage the international community to lend its support to the Government in resolving land issues and encourage international partners to provide financial and technical support to the Government's efforts to formulate a national land policy, as a first step towards land reform, and to support Government institutions such as the National Commission on lands and other properties.

26. *Reintegrating refugees and returnees.* The Government, with support from the Office of the United Nations High Commissioner for Refugees, BINUB, the World Bank and the donor community, should implement integrated community-based strategies for refugees and returnees, with a particular focus on women and children.

27. *Socio-economic recovery.* The Peacebuilding Commission will continue to give high priority to socio-economic recovery and will seek to encourage the development of innovative approaches and marshal resources for this purpose. The Commission will pay particular attention to the possible effects of the global food crisis and rising fuel costs on the already fragile socio-economic situation in Burundi to ensure that it does not undermine the ongoing peace consolidation efforts.

6. Mobilization and coordination of international assistance

28. *Financial framework.* The Government should enhance its efforts to coordinate international assistance through the Partners Coordination Group. Bilateral and multilateral partners should continue to support the implementation of the Government's priorities set out in the poverty reduction strategy paper Priority Action Programme to ensure that essential public services are delivered and Burundi's economic needs are met. The Peacebuilding Commission will mobilize additional international resources in this regard.

7. Subregional dimension

29. *Security, Stability and Development Pact.* The Peacebuilding Commission will work with the secretariat of the International Conference on the Great Lakes Region to encourage all countries to ratify the Pact.

30. *Regional integration.* The international community should continue to work with the Government on its plans for regional integration.

8. Gender dimension

31. *Mainstreaming gender in the Strategic Framework.* The Government and all other stakeholders should continue to mainstream gender into national policies.

C. Conclusion

32. The Peacebuilding Commission remains committed to continuing to work with the Government to support the implementation of the Strategic Framework, and encourages other stakeholders to do so as well.